

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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BOARD OF MANAGERS OF THE
195 HUDSON STREET CONDOMINIUM,

Plaintiff,

- against -

JEFFREY M. BROWN ASSOCIATES, INC. and
LEXINGTON INSURANCE COMPANY,

Defendants.
-----X

: Hon. Peter K. Leisure

: 07 Civ. 4058 (PKL)

:
: **DECLARATION OF**
: **ALEXANDER M. LEVY**

I, ALEXANDER M. LEVY, declare as follows:

1. I am an associate with the law firm of Judd Burstein, P.C., attorneys for Plaintiff the Board of Managers of the 195 Hudson Street Condominium (the "Board"). As such, I am familiar with the facts and circumstances set forth herein.

2. I respectfully submit this Declaration in opposition to Defendant Jeffrey M. Brown Associates, Inc.'s ("JMB") motion to dismiss, pursuant to Fed. R. Civ. P. 12(b), together with such other and further relief as this Court deems just and proper.

3. The purpose of this Declaration is twofold: **first**, to provide the Court with certain relevant procedural history that is relevant to this motion; and **second**, to place various exhibits before the Court.

Relevant Procedural History

4. On August 3, 2007, I spoke with a law Clerk for the Honorable Jane S. Soloman, the New York State Supreme Court Justice presiding over the litigation *Board of Managers of the 195 Hudson Street Condominium v. 195 Hudson Street Associates, LLC*, et al., Index No. 118784/03 (the

“Conversion Litigation”). In my conversation with Justice Solomon’s Law Clerk, I was advised that a hearing will be held in the Conversion Litigation during which it is anticipated that a decision on the pending applications therein before Justice Solomon will be rendered on the record, with entry of judgment to follow shortly thereafter. Subsequently, it was confirmed with Justice Solomon’s Part Clerk that the hearing in question will take place on September 17, 2007, at 10:00 a.m.

Additional Relevant Exhibits

5. Exhibit A hereto is a true and accurate copy of the Complaint, dated May 23, 2007, filed in this Action.

6. Exhibit B hereto is a true and accurate copy of a printout from "Lawyers.com" listing “Hoey, King, Toker & Epstein [a]s House Counsel for Chubb & Son, a division of Federal Insurance Company.”

7. Exhibit C hereto is a true and accurate copy of the Board’s Answer, prepared by Hoey, King, Toker & Epstein, dated June 14, 2002, in the litigation styled *Northeast Restoration Corp. v. Board of Managers of the 195 Hudson Street Condominium, et al.*, Supreme Court of the State of New York, New York County, Index No. 600664/02 (the “Second Northeast Action”).

8. Exhibit D is a true and accurate copy of the Docket Sheets from the Supreme Court of the State of New York, County of New York, for the following actions: (i) *Northeast Restoration Corp. v. K&J Construction Co., L.P., et al.*, Supreme Court of the State of New York, New York County, Index No. 602171/00, and (ii) the Second Northeast Action.

9. Exhibit E is a true and accurate copy of JMB’s Answer in the Second Northeast Action, dated October 29, 2002.

10. Exhibit F is a true and accurate copy of the April 8, 2003, Judgment entered in the New York State Supreme Court, New York County, dismissing the complaint against JMB in the Second Northeast Action.

11. Exhibit G is a true and accurate copy of a July 25, 2002 agreement between the Board and the 195 Hudson Street Associates, LLC.

12. Exhibit H is a true and accurate copy of the Honorable Edward H. Lehner, J.S.C.'s May 4, 2004, Decision and Order, dismissing the complaint in the Second Northeast Action against, *inter alia*, the Board.

13. Exhibit I is a true and accurate copy of the Board's First Amended and Supplemental Verified Complaint, dated February 9, 2004, filed in the Conversion Action.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct. Executed this 30th day of August, 2007, in New York County, New York.



ALEXANDER M. LEVY (AL-2351)